

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,	:	CRIMINAL NO. 1:06-CR-0319
	:	
v.	:	(Judge Conner)
	:	
JERRY L. RICHARDS,	:	
	:	
Defendant	:	

ORDER

AND NOW, this 5th day of April, 2010, upon consideration of defendant's motion (Doc. 139) to stay repayment of the remaining balance of the fine and restitution imposed as part of defendant's sentence,¹ wherein defendant requests that the court stay his repayment obligation until his release from prison,² and it appearing that defendant invokes Rule 38 of the Federal Rules of Criminal Procedure, which states that “[i]f the defendant appeals, the district court . . . may stay a sentence to pay a fine or a fine and costs[,]” FED. R. CRIM. P. 38(c), and which further provides that “[i]f the defendant appeals, the district court . . . may stay . . . any sentence providing for restitution[,]” FED. R. CRIM. P. 38(e), and it further appearing that the defendant has appealed, (see Doc. 99), and that his appeal was

¹ The court imposed a fine in the amount of \$1,000, restitution in the amount of \$1,000, and a special assessment of \$100. (See Doc. 98, Doc. 139 at ¶ 1). Defendant states that he has repaid his special assessment and has paid an additional \$100 toward his other obligations. (Doc. 139 at ¶ 2).

² Defendant claims that his “earning ability is limited to pennies that he receives for his prison labor,” (id. at ¶ 3), and that his obligation to make payments “causes financial strain on him because he has no outside help to meet his installment payments[,]” (id. at ¶ 4).

terminated on July 7, 2008, when the court of appeals entered a judgment affirming the district court's order, (Doc. 121; see also Doc. 122), and the court concluding that defendant has failed to establish that he is entitled to the relief he seeks, it is hereby ORDERED that defendant's motion (Doc. 139) to stay repayment is DENIED.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge